

S.B. CIVIL WRIT PETITION NO.2612/2004
(Adarsh Vidhya Mandir Vs. State of Rajasthan & Ors.)

Date :: 17.04.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.G.R. Punia, for the petitioner.
Mr.S.N. Tiwari, Dy. Govt. Advocate.

Heard learned counsel for the petitioner.

Learned Dy. Govt. Advocate raised preliminary objection that an appeal against the withdrawal of recognition is provided under Rule 8 of the Rajasthan Non-Governmental Educational Institutions Act, 1989, therefore, this petition is not maintainable.

Learned counsel for the petitioner contended that the manner in which the recognition has been withdrawn is required to be adjudicated by this Court. It is also contended that it is an educational institution and its recognition is cancelled on arbitrary grounds, therefore, the petitioner can file this petition under Article 226 of the Constitution of India.

I have perused the writ petition as well as the reply filed by the respondents.

It is true that an appeal is provided against the withdrawal of recognition, therefore, when an alternate remedy is provided under the statute then petitioner may avail that remedy first.

Accordingly, this petition is disposed of with liberty to the petitioner that he may avail the alternate remedy provided under Rule 8 of the

Rajasthan Non-Governmental Educational Institutions Act, 1989. The petitioner may file his appeal within a period of two months from today and if such appeal is filed before the appellate authority in accordance with Rule 8 of the Act of 1989, the appellate authority shall decide the same expeditiously preferably within a period of six months. Till then the stay granted by this Court vide order dated 02nd July 2004 shall continue.

[GOPAL KRISHAN VYAS],J.

A.K.Chouhan/-